

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CASE NO. 3:24-CV-325-KDB-DCK**

**JUAN WHIPPLE, d/b/a Queen City Tours, )**

**Plaintiff, )**

**v. )**

**KEVIN MARCUSE, d/b/a Queen City )  
Rides 1, LLC, LANCE ZAAL, d/b/a )  
Queen City Ghosts, and TRIPADVISOR )  
LLC/VIATOR, )**

**Defendants. )**

**ORDER**

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**THIS MATTER IS BEFORE THE COURT** on “Plaintiff’s Motion To Address Misrepresentation In Defendants Request For Extension [Document No. 7]” (Document No. 24) filed July 9, 2024. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, the undersigned will deny the motion.

By the instant motion, *pro se* Plaintiff “requests that the [C]ourt reconsider the extension granted to the Defendant and impose appropriate sanctions for the misrepresentation.” (Document No. 24, p. 3). On June 4, 2024, the Court accepted certain Defendants’ “...Answer to Complaint” (Document No. 6) as timely filed. See (Document Nos. 7 and 8).

Plaintiff now contends, more than a month since the underlying filings, that Defendants made erroneous statements in the “Motion for Extension of Time To File Answer to Complaint” (Document No. 7), and therefore, the Court should reconsider Defendants’ motion and issue sanctions. (Document No. 24, pp. 2-3).

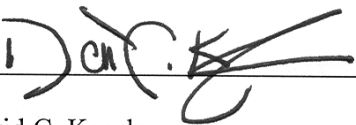
Notably, the Court subsequently allowed *pro se* Plaintiff to file an Amended Complaint. See (Document Nos. 14 and 15). Plaintiff does not appear to assert that there has been any impropriety in the filing of Defendants' responses (Document Nos. 20, 21, and 25) to the Amended Complaint (Document No. 16).

Based on the foregoing, the undersigned will respectfully deny Plaintiff's motion as moot, and take the allegations therein regarding misrepresentation under advisement.

**IT IS, THEREFORE, ORDERED** that "Plaintiff's Motion To Address Misrepresentation In Defendants Request For Extension [Document No. 7]" (Document No. 24) is **DENIED AS MOOT**.

**SO ORDERED.**

Signed: July 10, 2024

  
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David C. Keesler  
United States Magistrate Judge

